

**REMARKS**

Claims 1-14 are all the claims pending in the application. Claim amendments are respectfully requested to be entered; the claim amendments present no new matter and place the application in better condition for appeal.

Claims 1, 5, 6, 10, 11, and 13 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Dureau et al.* (U.S. Patent No. 6,118,472) in view of *Bowcutt et al.* (U.S. Patent No. 6,308,328).

Claim 1. The Examiner asserts that *Dureau* discloses a method and system for using the internet comprising *using a telephone line* to send a request indicating an operation desired by a user and sending the request to a provider's server (OA page 5, Examiner *citing Dureau* at col. 4, lines 29-40 and Fig. 1). The Examiner acknowledges that *Dureau* fails to disclose that "request data is sent *from a telephone*" and continues to rely on *Bowcutt* to teach this subject matter (OA page 5; Examiner *citing Bowcutt* at col. 7, line 61-col. 8, line 10).

In response to previously presented arguments, the Examiner asserts that *Bowcutt* discloses an upstream path lacking an RF modem 106 (Fig. 1) (OA page 2). Turning to col. 7, line 61 to col. 8 line 10, *Bowcutt* teaches that "... the slower speed *upstream path 131* may be wired or wireless." The wireless cellular telephone virtual path is still between an RF *modem* 106 and telephone *modem* pool 135, as an embodiment of *telephone lines 131* (Fig. 1; col. 7, line 61 to col. 8, line 10). *Bowcutt* teaches, "[t]he slower speed *upstream path 131* may be wired or wireless ... and if wireless may be by ... *satellite path*. Not in the text cited by the Examiner, nor in the text at large does *Bowcutt* teach or suggest entering data using a telephone. Rather,

*Bowcutt* clearly teaches the use of a virtual wireless telephone path or the use of a hard wired telephone line path between two modems *to transmit data*.

In contrast, claim 1 requires, “. . . entering data using a telephone . . .” One of ordinary skill in the art would readily appreciate the difference between a transmission path and a means for data entry, a telephone in the case at bar. As acknowledged by the Examiner, *Dureau* fails to teach or suggest that data is sent *from a telephone*. Secondary reference *Bowcutt* also fails to teach or suggest the subject matter acknowledged to be lacking in *Dureau*. *Dureau* and *Bowcutt*, alone or in combination, fail to teach or suggest entering data using a telephone. At least for this deficiency, the rejection of claim 1 as being unpatentable over *Dureau* in view of *Bowcutt* under 35 U.S.C. §103(a) should be withdrawn.

Claim 6 requires subject matter analogous to that discussed above in the traversal of the rejection of claim 1. An argument analogous to that discussed above in traversal of the rejection of claim 1, is hereby asserted traversing the rejection of claim 6. At least for this deficiency, the rejection of claim 6 as being unpatentable over *Dureau* in view of *Bowcutt* under 35 U.S.C. §103(a) should be withdrawn.

Claims 2, 3, 7 and 8 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Dureau* and *Bowcutt*, as applied to claims 1 and 6 above, and further in view of *Shimomura et al.* (U.S. Patent No. 6,526,580). Claims 4, 9, 12, and 14 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Dureau* and *Bowcutt*, as applied to claims 1 and 6 above, and further in view of *Majeti et al.* (U.S. Patent No. 5,534,913).

AMENDMENT UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
APPLN. NO. 09/828,165

DOCKET NO. Q63951  
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Claims 2-5 and 7-14 are asserted as being allowable at least by virtue of their dependence upon an allowable claim.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

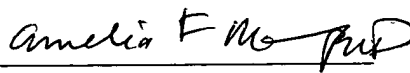
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**23373**

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